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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,043	09/03/2003	Roger Kim	203-0005	2042
28395	7590	01/11/2005	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			MORROW, JASON S	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,043

Applicant(s)

KIM ET AL.

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-27 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☒ Claim(s) 2 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sangimino.

Re claim 1, Sangimino discloses a flexible passenger vehicle body capable of being transformed into at least two different classes of vehicle styles, comprising a body shell having front (40) and rear openings (56) and at least one pair of transversely opposed door openings (34), a front panel closing the body shell front opening a pair of door panels closing the body shell door openings, a roof panel including a fixed portion (113) and a movable portion (111), the movable portion having attached thereto a pair of transversely opposed rear pillars (58) extending generally downward therefrom to engage the body shell; a back panel (54) coupled to the roof panel movable portion and extending between the rear pillars; a pair of opposing retractable rear side panels (the window associated with the door 34') affixed to the body shell behind the door panels, and a tailgate (124) affixed to the body shell, the tailgate, the retractable rear side panels, the roof panel movable portion and the back panel collectively enclosing the body shell rear opening when the vehicle is in a first body configuration, the front panel, door panels, roof panel, back panel, tailgate and retractable rear side panels defining a fully enclosed passenger space and cargo area within the body shell in the first body configuration when the roof panel movable portion is in a first position, the front panel, door panels, roof panel and

Art Unit: 3612

back panel defining a contracted enclosed passenger space in a second body configuration when the roof panel movable portion is in a second position, thereby creating an open cargo area behind the contracted enclosed passenger space (see figures 10 and 1).

Re claim 3, a trunk panel (124) is configured to cooperate with the tailgate and the body shell in a third body configuration, thereby creating a closed cargo area behind the contracted enclosed passenger space.

Re claim 4, the retractable rear side panels include rear side windows (90), the rear side windows being retractable into the body shell.

Re claim 5, a movable side trim panel (88) is disposed adjacent the roof panel, the movable side trim panel being movable between a first position and a second position (see figures 3 and 6), the second position facilitating transformation of the vehicle body from the first body configuration to the second body configuration.

Re claim 6, a garnish panel (88) is provided, the garnish panel being in a first position (as in figure 6) when the vehicle body is in the first body configuration and a third position (as in figure 3) when the vehicle body is in the second body configuration, the garnish panel further being movable to a second position (as in figure 5), thereby facilitating transformation of the vehicle body between the first body configuration and the second body configuration.

Art Unit: 3612

Re claim 7, the open cargo area includes a load floor (119), and wherein the tailgate in an open position forms a portion of the load floor.

Allowable Subject Matter

3. Claims 2 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 9-27 are allowed.

Response to Arguments

5. Applicant's arguments filed 10/12/04 have been fully considered but they are not persuasive.

The applicant argues with respect to the rejection of claims 1 and 3-7 under 35 USC 102(b) above that the part 113 of the Sangimino is not a "roof panel" as claimed in claim 1 because it does not partially define any vehicle space. The examiner respectfully disagrees. As can be seen in figure 2, the part 113 does cover a portion of the passenger space and comprises a portion of the roof. If the housing 113 were removed, the roof would be incomplete leaving a hole in the roof.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3612

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jason S. Morrow
Examiner
Art Unit 3612

Application/Control Number: 10/605,043

Page 6

Art Unit: 3612

December 30, 2004


JASON MORROW
PRIMARY PATENT EXAMINER
12/30/04